

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
W/S Lorraine Ave., 1468 ft. N * ZONING COMMISSIONER
of Windsor Mill Road *
Proposed 2150 Lorraine Ave. * OF BALTIMORE COUNTY
1st Election District *
2nd Councilmanic District * Case No. 93-47-A
Legal Owner: *
Mark Allen Claypoole *
Contract Purchaser: *
The Decker Group *
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Zoning Variance from Sections 1802.3.C.1 and 304.1.C of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a minimum lot width of 50 ft., in lieu of 55 ft., for the subject property located at 2150 Lorraine Avenue (lot No. 22).

The Petition was filed by the property owner, Mark A. Claypoole, and the Contract Purchaser, Matthew Decker, President of The Decker Group. The subject property and relief requested is more particularly shown on Petitioner's Exhibit No. 1, the site plan to accompany the Petition for Variance.

Appearing at the hearing was Matthew Decker, Petitioner. Appearing as Protestants were Ms. Joan Stromberg and Ms. Tammy Bryant, residents of the surrounding locale. There were no Protestants present.

Testimony and evidence presented was that the subject property is known as 2150 Lorraine Avenue, (lot No. 22), and is located in a long established residential community near the intersection of Gwynn Oak Avenue and Windsor Mill Road. As is the case with many of the lots in the community, the subject lot is 50 ft. wide. In fact, many of the homes in

the community are on lots of this width, including the properties on both sides of the subject lot.

Mr. Decker testified that to deny the variance would cause him practical difficulty. Specifically, the site constraints and size of the property prohibit strict compliance with Sections 1802.3.C.1 and 304.1.C. If the variance is denied, Mr. Decker believes the lot will be unbuildable. He also noted the undersized lots within the surrounding community and proposes construction of a dwelling which would be architecturally compatible with the locale.

Ms. Stromberg and Ms. Bryant are opposed to the Petition. They fear an exacerbation of traffic and parking congestion. They did acknowledge, however, that other homes in their community are built on 50 ft. wide lots.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

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it is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land which is the subject of the variance requested, and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety and general welfare. Further, granting of the variance will be in strict harmony with the spirit and intent of the B.C.Z.R.

Zoning Plans Advisory Comment (ZAC) from the Office of Planning and Zoning was received by this office which recommends approval of the Petition, conditioned upon construction of a dwelling which is architecturally compatible with the surrounding locale. That office suggests a 1 to 1-1/2 story split level cottage or rancher dwelling which is similar in configuration and style with the other homes in the area. I concur that compatibility within this community is desirable and will, therefore, include as a restriction within this Order the comment from the Office of Planning and Zoning.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9th day of October, 1992 that a variance from Sections

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1802.3.C.1 and 304.1.C of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a minimum lot width of 50 ft., in lieu of 55 ft., for the subject property located at 2150 Lorraine Avenue (lot No. 22), in accordance with Petitioner's Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Any dwelling constructed on the subject lot shall be architecturally compatible with the surrounding locale, as recommended in the Zoning Plans Advisory Comment (ZAC) from the Office of Planning and Zoning. Prior to the issuance of any permits, a copy of the building plans shall be submitted to the Zoning Commissioner to insure compliance with this restriction.

LES/mnn

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

October 8, 1992

Mr. Matthew Decker
The Decker Group
1321 Dillon Heights Avenue
Baltimore, Maryland 21228

Mr. Mark A. Claypoole
2148 Lorraine Avenue
Baltimore, Maryland 21207

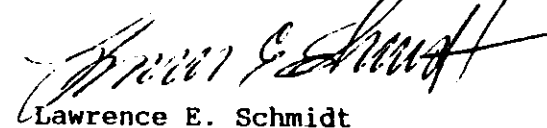
RE: Case No. 93-47-A
Petition for Zoning Variance
The Decker Group, Contract Purchaser
Mark A. Claypoole, Legal Owner

Gentlemen:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,


Lawrence E. Schmidt
Zoning Commissioner

LES:mnn
att.
cc: Ms. Joan Stromberg
Mrs. Tammy Bryant



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2150 LORRAINE ROAD, Lot No. 22
which is presently zoned D.R. 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Sections 1802.3.C.1 and 304.1C from the Baltimore County Zoning Regulations to permit a minimum lot width of 50' in lieu of 55'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

Applicant unable to secure a reasonable return or make a reasonable use of his property as originally intended in complying with referenced zoning standards.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expense of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

THE DECKER GROUP
(Type or Print Name)

Signature: Matthew J. Decker, President

MATTHEW J. DECKER

Address: 1321 DILLON HEIGHTS AVE.

City: BALTIMORE, MARYLAND State: 21228 Zipcode:

Attorney for Petitioner:

(Type or Print Name)

Signature:

Address:

City:

State:

Zipcode:

(We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.)

Legal Owner(s):

Signature: Mark Allen Claypoole

Signature: Matthew J. Decker

(Type or Print Name)

Signature:

2148 Lorraine Ave. 944-2641

Address: Baltimore State: MD Zipcode: 21207

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Matt Decker

Name: 1321 DILLON HEIGHTS Phone No: 719-0011

Address: OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING: 1/2 hr

Intervenable for Hearing:

On following date: Next Two Months

All: LG OTHER: 8/12/92

REVIEWED BY: LG DATE: 8/12/92

THE DECKER GROUP

August 13, 1992

93-47-A

ZONING DESCRIPTION FOR LOT NO. 22, # ²¹⁵⁰ ~~444~~ LORRAINE AVE.

Beginning at a point on the northwest side of Lorraine Avenue which is 30 feet wide at the distance of 1468 feet northeast of the centerline of the nearest improved intersecting street, Windsor Mill Road, which is 40 feet wide. Being Lot No. 22 in the subdivision of William Borgmann as recorded in Baltimore County Plat Book No. 4, Folio 37, containing 0.1808 acres. Also known as Lot No. 22, # 2148 Lorraine Avenue in the 1st Election District.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY 93-47-A
Towson, Maryland

District: 1st Date of Posting: 9/1/92
Posted for: Notice
Petitioner: Mark A. Claypoole & The Decker Group
Location of property: 412 Lorraine Road, Lot No. 22, near M.D.R.
Location of Sign: Corner roadway, adjacent to house #200
Remarks:
Posted by: LES/mnn Date of return: 9/1/92
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 9/4, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/3, 1992

THE JEFFERSONIAN,

S. Zeke Olson
Publisher

53

53

93-47-A

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date _____

Account: R-001-6150
Number _____

2150 Lorraine Av

08/25/92 00080810CHRC \$50.00
P-8 COL1328AM08-13-92
Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

DATE: 9-10-92

The Decker Group
1321 Dillic Heights Avenue
Baltimore, Maryland 21228

RE:
CASE NUMBER: 93-47-A (Item 53)
W/S Lorraine Road, 1468' N of Windsor Hill Road
Proposed 2150 Lorraine Road, Lot #22
1st Election District - 2nd Councilmanic
Legal Owner(s): Mark Allan Claypoole
Contract Purchaser: The Decker Group
HEARING: THURSDAY, OCTOBER 1, 1992 at 2:00 p.m. in Rm. 118, Old Courthouse

Dear Petitioner(s):

Please be advised that \$ 69.55 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

August 28, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-47-A (Item 53)
W/S Lorraine Road, 1468' N of Windsor Hill Road
Proposed 2150 Lorraine Road, Lot #22
1st Election District - 2nd Councilmanic
Legal Owner(s): Mark Allan Claypoole
Contract Purchaser: The Decker Group
HEARING: THURSDAY, OCTOBER 1, 1992 at 2:00 p.m. in Rm. 118, Old Courthouse

Variance to permit a minimum lot width of 50 feet in lieu of 55 feet.

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner of
Baltimore County

cc: Mark Allan Claypoole
The Decker Group

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 867-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

September 24, 1992

Mr. Mark Allan Claypoole
2148 Lorraine Avenue
Baltimore MD 21207

RE: Item No. 53, Case No. 93-47A
Petitioner: Mark Allan Claypoole
Petition for Variance

Dear Mr. Claypoole:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

Your petition has been received and accepted for filing this 13th day of August, 1992

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:
W. Carl Richards Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Mr. Mark Allan Claypoole
Petitioner's Attorney:

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

Development Review Committee Response Form
Authorized signature: *James J. Family* Date: 8/31/92

Project Name	File Number	Waiver Number	Zoning Issue	Meeting Date
James Enterprises	48			8-24-92 NC
White Marsh Joint Venture	49			NC
Salvo Realty, Inc.	50			Comment
Robert T. and Lorri A. Burgess	51			Comment
Chester L. And Virginia J. Farley	52			NC
Mark Allan Claypoole	53			NC
Ritz Enterprises	55			NC
Glenda L. Mosley	56			Comment
Etta E. Plonden and Joan and Garland Arrington	57			NC

COUNT 20
FINAL TOTALS
COUNT 21
*** END OF REPORT ***

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration & Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: September 16, 1992

SUBJECT: 2150 Lorraine Road

INFORMATION:
Item Number: 53
Petitioner: Mark Allan Claypoole
Property Size: 0.18
Zoning: DR 5.5
Requested Action: Variance
Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:
The petitioner is requesting a variance to permit a minimum lot width of 50 feet in lieu of 55 feet.

The Office of Planning and Zoning recommends APPROVAL of the petitioner's request with the following conditions.

The Office of Planning and Zoning's area planner made a site inspection and found that the other homes in the vicinity of 2150 Lorraine Road are also built on 50' wide lots which are predominantly 1 to 1 1/2 story Ranches and Cape Cod's. In order to insure compatibility with the existing neighborhood this office recommends that the proposed house be a 1 to 1 1/2 story Rancher, Cape Cod or Split Level.

Prepared by: *James J. Family*
Division Chief: *Eric McDonnell*
EMCD/PM:rdn

53.ZAC/ZAC1

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: August 24, 1992

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Family

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: August 24, 1992
ITEM NUMBER: 53

The ultimate right-of-way for Lorraine Avenue needs to be shown.

Rahee J. Family
Rahee J. Family
Traffic Engineer II

RJF/lvd

RECEIVED
SEP 1 1992
ZONING OFFICE

We, the undersigned, are hereby opposed to the petition for variance to permit a minimum lot width of 50 feet in lieu of 55 feet.

We feel that building on this lot will cause further problems with the already congested conditions on Lorraine Avenue.

NAME	ADDRESS
Ernest Barton Jr (MR+MRS)	2152 Lorraine ave
Angelo Paschall (MR+MRS)	2154 Lorraine ave
Mr & Mrs Joseph B. Dineen	2147 Lorraine ave
Mr & Mrs John A. Klausman	2153 Lorraine ave
John Stromberg	2149 Lorraine Avenue
Mr. James Russell H. Klausman	2152 Lorraine ave
Mrs. Tammy Bryant (Frances)	2151 Lorraine Avenue

Part No 1

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: # 2143 LORRAINE AVENUE 3150

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Williams E. Carolina Pln.

part Block 2, Folio 31, Page 22, Section 6

Owner: Mark Allen Claybrook

Applicant:

Platt Bruce
1210 Union Heights Rd.
Bath, N.C. 27808

MKB Development Co.

Plot Book 60 Folio 3

2151 # 2152 # 2155
20-1-200574 20-1-200575 20-1-200576

2144
LOT 19
James K Hunter
Amy Beth Bogg
76% 4/28
0123135E30

LTS 3
John F. Stewart
JLS/JFS
11/2/2004
11/2/2004

LOCATION INFORMATION

Councilman's District: 2

Election District: 2

1"-200' scale map: NW 1/4

Zoning: DN 55

Lot size: 31808 sq ft

SEWER: ☒ public

WATER: ☒ public

Chesapeake Bay Critical Area:

Prior Zoning Hearings: None

Zoning Office Use ONLY

revised by: ITEM #: CASE#:

LG 53

North

date: 8/5/92

prepared by: WRB

Scale of Drawing: 1" = 50'

93-47-A

